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5 Attorney for Potential Claimants
SPECIAL LIMITED APPEARANCE

6 UNITED STATES DISTRICT COURT
7
8 CENTRAL DISTRICT OF CALIFORNIA

9
10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 APPROXIMATELY \$107,539,422.29 IN
14 FUNDS AND SECURITIES,

15 Defendant.

Case No. 18 CV 3855-DMG

[Hon. Dolly M. Gee, District Court Judge]

**STIPULATION AND REQUEST FOR
ORDER STAYING PROCEEDING TO
PERMIT RETENTION OF
SUBSTITUTE COUNSEL; ORDER
THEREON**

Dept.: Courtroom 8C
Location: 350 West 1st Street, 8th Floor
Los Angeles, CA 90012
Trial: None

19 Reference is made to the above entitled lawsuit entitled *United States of America v.*
20 *v. Approximately \$107,539,422.29 in Funds and Securities*, United States District Court,
21 Central District of California, Case No. 18 CV 3855. This Stipulation and request is made
22 by and among the United States, by and through Assistant United States Attorney Steven
23 Welk, and Roger Jon Diamond on behalf of the potential claimants (1) The Assets
24 Management Irrevocable Trust – CO, by and through its Trustee Asiatruster Nevis, Ltd., aka
25 Asiatic Trust and Asia Trust Pacific Ltd.; (2) The Assets Management Irrevocable Trust
26 – JO, by and through its Trustee Asia Trust, Ltd., aka Asiatic Trust and Asia Trust Pacific
27 Ltd.; (3) The Assets Management Irrevocable Trust – MO, by and through its Trustee
28 Asiatruster Nevis, Ltd., aka Asiatic Trust and Asia Trust Pacific Ltd.; (4) Contingent
30

1 Beneficiaries Sharafatal Aghajani, Cindy Omid, Michael Omid, Julian Omid, Dr. Edjlal
2 Pezeshk (Deceased on behalf of his estate, heirs, legatees, and beneficiaries); Shawn
3 Pezeshk; and (5) Property Care Insurance Company, Inc. (collectively, the "Potential
4 Claimants").

5 WHEREAS, undersigned counsel was planning to represent the Potential Claimants
6 in the instant action prior to the Court's October 1, 2018 entry of the Order in the case of
7 *United States v. Julian Omid*, United States District Court, Central District of California,
8 Case No. 17 CR 661 ("*Omid*"), disqualifying Mr. Diamond from further representation of
9 the parties;

10 AND WHEREAS, the Court has placed a 90 day hold and stay on the proceedings
11 in *Omid* to give the parties the opportunity to retain new counsel and for that new counsel
12 to appear in that case, vacated the previously-set trial date, and set a status conference for
13 January 16, 2019 to set a new trial date;

14 AND WHEREAS, in view of the Court's October 1 Order, Mr. Diamond does not
15 believe it is appropriate for him to represent the Potential Claimants, and that it is
16 necessary for the Potential Claimants to retain other counsel to appear in this case. Mr.
17 Diamond believes that it necessary for the Potential Claimants to have at least the full 90-
18 days provided for in the October 1 Order to locate and retain other counsel to represent
19 them in this action;

20 AND WHEREAS, the parties have discussed the matter and have agreed that it is
21 appropriate to place a 120-day hold and stay on the proceedings in this case in view of the
22 fact that both cases are pending before this Court and the October 1 Order will have a
23 similar effect in both cases.

24 NOW THEREFORE, the parties Stipulate and Request as follows:

25 1. That the Court impose a 120-day hold and stay on the proceeding in this case
26 commencing as of September 19, 2018, and expiring on January 17, 2019, or until further
27 Order of the Court;

28 2. The stay shall apply to any filings of any responsive pleadings by the Potential
30 Claimants, including Claims and Answers, motions to dismiss, motions for lack of

1 service, motions for lack of jurisdiction, objections to lack of notice, challenges to the
2 procedures by which this case has been instituted or prosecuted, and claims involving
3 statute of limitations, and shall not constitute a waiver, express, implied, or inferred, of
4 jurisdiction or lack thereof, statute of limitations, or procedural rights or purported
5 irregularities involved in this proceeding. The stay shall not affect the Claim and Answer
6 deadlines applicable to all other possible claimants other than the Potential Claimants.

7
8 DATED: Oct 26, 2018 LAW OFFICES OF ROGER JON DIAMOND

9
10 Roger Jon Diamond
11 ROGER JON DIAMOND

12 Attorneys for
13 POTENTIAL CLAIMANTS

14 DATED: Oct 26, 2018

15 NICOLA T. HANNA
16 United States Attorney
17 LAWRENCE S. MIDDLETON
18 Assistant United States Attorney
19 Chief, Criminal Division

20 (s) Steve R. Welk (RJD)
21 STEVEN R. WELK
22 Assistant United States Attorney
23 Chief, Asset Forfeiture Section

24 Attorneys for Plaintiff
25 UNITED STATES OF AMERICA
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